

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

In re:

**KIMBERLY HILL MOONEY**

S.S. No.: xxx-xx-1020

Mailing Address: PO BOX 173, Timberlake, NC 27583-

**Case No. 10-80745**

Debtor.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtor has filed for relief under Chapter 13 of the United States Bankruptcy Code on April 28, 2010.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtor's proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: June 7, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtor  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

**CH. 13 PLAN - DEBTS SHEET  
(MIDDLE DISTRICT - DESARDI VERSION)**

Date: **3/9/10**

Lastname-SS#: **mooney refile-1020**

**RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN**

Retain	Creditor Name	Sch D #	Description of Collateral
	Truliant Credit Union		

**ARREARAGE CLAIMS**

Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)
	Truliant Credit Union			**
				**
				**
				**
				**
				**
				**
				**
				**

**SURRENDER COLLATERAL**

Creditor Name	Description of Collateral

**REJECTED EXECUTORY CONTRACTS/LEASES**

Creditor Name	Description of Collateral

**LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS**

Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		

**STD - SECURED DEBTS @ FMV**

Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	BOA		\$44,125	5.00	\$441	\$868.54	mobile home and land
				5.00			
				5.00			
				5.00			

**STD - SECURED DEBTS @ 100%**

Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	BB&T		\$17,427	5.00	\$135	\$343.03	2008 Nissan Altima
				5.00			
				5.00			
				5.00			
				5.00			

**ATTORNEY FEE (Unpaid part)**

Amount

Law Offices of John T. Orcutt, P.C.

\$3,000

**SECURED TAXES**

Secured Amt

IRS Tax Liens

Real Property Taxes on Retained Realty

**UNSECURED PRIORITY DEBTS**

Amount

IRS Taxes

State Taxes

Personal Property Taxes

Alimony or Child Support Arrearage

CO-SIGN PROTECT (Pay 100%)

Int. %

Payoff Amt

All Co-Sign Protect Debts (See\*)

**GENERAL NON-PRIORITY UNSECURED**

Amount\*\*

DMI=

\$92

\$3,312

**PROPOSED CHAPTER 13 PLAN PAYMENT**

\$ **1,343** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **2.38** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

\* = May include up to 2 post-petition payments.

\*\* = Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(DeSardi Version 1/12/10) © LOJTO

**Other Miscellaneous Provisions**

Plan to allow for 3 "waivers".

## CERTIFICATE OF SERVICE

I, WILLIAM MCDONALD, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s WILLIAM MCDONALD  
\_\_\_\_\_  
WILLIAM MCDONALD

North Carolina Department of Revenue c/o NC Department of Justice Post Office Box 629 Raleigh, NC 27602-0629	Internal Revenue Service (ED)** Post Office Box 21126 Philadelphia, PA 19114-0326	Credit Financial Services Post Office Box 451 Durham, NC 27702-0451
Employment Security Commission Attn: Benefit Payment Control Post Office Box 26504 Raleigh, NC 27611-6504	US Attorney's Office (ED)** 310 New Bern Avenue Suite 800, Federal Building Raleigh, NC 27601-1461	Durham Radiology Central Medical Park 2609 North Duke Street Ste 303 Durham, NC 27704
Credit Bureau Post Office Box 26140 Greensboro, NC 27402	American General Finance 805 N Madison Blvd Roxboro, NC 27573	GEMB/American Eagle PO Box 981064 El Paso, TX 79998
NC Child Support Centralized Collections Post Office Box 900006 Raleigh, NC 27675-9006	BB&T Post Office Box 1847 Wilson, NC 27894	GEMB/Banana Republic Attn: Bankruptcy Dept PO Box 103104 Roswell, GA 30076
Equifax Information Systems LLC P.O. Box 740241 Atlanta, GA 30374-0241	Chase Post Office Box 15153 Wilmington, DE 19886-5153	Internal Revenue Service** Post Office Box 21126 Philadelphia, PA 19114-0326
Experian P.O. Box 2002 Allen, TX 75013-2002	Chase Post Office Box 100043 Kennesaw, GA 30156-9243	Law Offices of John T. Orcutt 6616-203 Six Forks Road Raleigh, NC 27615
Innovis Data Solutions Attn: Consumer Assistance P.O. Box 1534 Columbus, OH 43216-1534	Child Support Enforcement Post Office Box 20800 Raleigh, NC 27619-0800	North Carolina Department of Re c/o Reginald S. Hinton Post Office Box 25000 Raleigh, NC 27640-5000
Trans Union Corporation P.O. Box 2000 Crum Lynne, PA 19022-2000	CitiFinancial Bankruptcy Dept. PO Box 140489 Irving, TX 75014	North Carolina Dept of Revenue* Post Office Box 1168 Raleigh, NC 27602-1168
ChexSystems Attn: Consumer Relations 7805 Hudson Road, Ste. 100 Woodbury, MN 55125	Credit Bureau of Greensboro** Post Office Box 26140 Greensboro, NC 27402-0040	Person County Tax Collector 105 South Main Street P.O. Box 1701 Roxboro, NC 27573

Taylor, Bean & Whitaker Mortgage Co  
Attn: Customer Service  
1417 North Magnolia Ave.  
Ocala, FL 34475

Truliant Federal Credit Union  
Post Office Box 26000  
Winston Salem, NC 27114

Verizon Wireless  
3 Verizon Place  
Mail Code #3B1  
Alpharetta, GA 30004

WFNNB/Goody's  
Bankruptcy Department  
PO Box 182125  
Columbus, OH 43218

WFNNB/VS  
Post Office Box 182125  
Columbus, OH 43218-2128